

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Olivier GUITER et al. Confirmation: 8438
Serial No.: 09/942,818 Art Unit: 2629
Filed: August 29, 2001 Examiner: Alexander S. BECK
For: METHOD AND APPARATUS FOR DISPLAYING INFORMATION IN A
DISPLAY SCREEN REGION IDENTIFIED BY PERMANENT PRINTING

APPELLANT SECOND REPLY BRIEF

This Second Reply Brief is submitted in response to the Supplemental Examiner's Answer dated August 25, 2009.

In the Supplemental Examiner's Answer, the Examiner states

It should be noted that 3Com as modified by Derocher introduced a second display. Furthermore, examiner respectfully submits that 3Com as modified by Derocher is analogous in art with Kobayashi since both are handheld portable device comprising multiple display screens. Kobayashi is made of record for teaching a hand held device comprising a first display screen unit and a second display screen unit, and displaying information on the first display screen unit automatically in response to a signal for turning off the second display screen unit. As one of ordinary skill in the art would appreciate, this effectively reduces electric power consumed by selectively using the display screen units depending on existing conditions, e.g., the second display screen being on and off. Thus,, examiner respectfully submits that one of the ordinary skill in the art would appreciate the benefits of including the display switching of Kobayashi into a handheld electronic device having multiple displays such as the on of 3Com as modified by Derocher. Supplement Examiner's Answer, p. 3 (internal citations omitted).

Appellants respectfully submit the above reasoning reveals that the Appellants' disclosure is being used as the roadmap to construct the rejection rather than what the references, *as a whole*, suggest to one ordinarily skilled in the art. The 3Com reference teaches one display and one non-display area located directly below the display area both areas accepting input. The Derocher reference teaches a two display areas divorced from each other, with only one area

allowing input. The Kobayashi reference teaches two display areas divorced from each other whose capability to display is mutually exclusive, with no input capability on either display. Lenchik teaches one display area with no input capability on the display. In assembling the “benefits” of the references, the Examiner ignores the structural and functional differences between the references themselves and between the references and the claimed invention. See MPEP 2141.01. Thus, the combination is improper.

The Examiner states

Lenchik discloses a handheld personal digital assistant that is capable of receiving incoming calls, inherently including data prompting a user for receipt of said incoming calls. Supplemental Examiner’s Answer, p. 3 (internal citations omitted).

Appellants respectfully submit that Lenchik discloses no dialog and only an alert. At best, Lenchik discloses that an alert notifies a user, such as an incoming page, whereupon a user must reconfigure the device to receive the page. See col. 4, lines 53-64. In light of such explicit disclosure in Lenchik, it is improper to conclude that a dialog is *inherently* generated. This rejection is based solely on the Appellants’ disclosure and not according to that which is explicitly disclosed in Lenchik.

The Examiner states

Appellant argues that one of ordinary skill would notice that 3Com already has a big main display area, and would be led away from adding more displays in order to minimize the cost, and reduce the weight, complexity and power consumption of the handheld device. Examiner respectfully disagrees, and submits that one of ordinary skill in the art at the time the invention was made would have been motivated to modify 3Com in view of Lenchik to provide a user with another means for entering information. Supplemental Examiner’s Answer, p.3 (internal citations omitted).

Appellants disagree that the 3Com reference is in need of another means of entering information. The 3Com reference discloses two input areas already. There is little need, in face of the cost, weight, power consumption, etc., to add a third display so that another means of entering information is added. Appellants respectfully submit that the motivation for combination in this instance is not logical when the structure and functionality of both references, as a whole, are taken into account.

Under the applicable tests for obviousness as argued in this and previous briefs, Appellants respectfully submit the present claims present patentable subject matter.

Respectfully submitted,

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